CANADIAN CONDOMINIUM INSTITUTE NORTH ALBERTA CHAPTER INSITETOCONDOS THIS ISSUE: **Condo Manager Licensing** in Alberta **Condo Finances 101 Lorne Young Chapter** of the Year Canadian Condominium VOL. 34, ISSUE 1 - FALL 2020



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**7** President's Message

Membership Musings

New Members

• Half Year Membership Promotion

( Education Station

1 7 Meet the Board

∠ • Carrie Plett

14 Government Advocacy

16 Early Bird Contest Winners



OnBoard

Board Member Binder

32 Ask The Professionals

35 **Legal Corner** *Updates to Disclosure Package Requirements* 

.....

39 Business Directory

**Correction Notice** 

Our apologies for the misspelling of Teresa Nguyen's name in the feature article by Rebecca Medel in the Summer 2020 issue.



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## MESSAGE PRESIDENT

BY ANAND SHARMA

## W ELCOME TO THE FALL EDITION OF THE INSITE TO CONDOS MAGAZINE

Dear members,

Our world has changed since the start of 2020. The impact of COVID-19 and its effects on our lives has been profound. Our personal health and economic security are under strain, and how we live and work in condominiums has drastically changed. Despite the many fears and stresses we face I am amazed and moved with the stories of solidarity and support that are emerging every day. CCI North Alberta has been working hard to adapt to these changes and meet the new world reality head on.

Each of our committees will report on the work that continues, but as an organization we are realigning our goals to this new reality. In July we held our annual strategic planning session which forced our executive and board to focus in on a few areas due to COVID-19.

As we are not able to offer in class courses yet, our focus has switched to online education which has always been a long-term goal for CCI North Alberta. We are working closely with a consultant, Gord Shepherd, to revamp our course material, and even more specifically develop a plan to be the new education lead for condominium managers in Alberta. In the coming weeks he will be reaching out to industry experts to start this development plan and outline a module based educational program that will supplement the new licensing requirements for condominium managers that are scheduled to come into effect in late 2021. It is critical that CCI North Alberta take advantage of being the education leader in Alberta for Condominium. We do not want third-party, for-profit education providers offering courses that make education unaffordable, not industry specific, and not accessible to Condominium Managers. The only way to ensure this does not happen is to develop a model that involves the best and brightest educators in our industry under CCI.

We continue to focus on strong membership benefit even in this COVID-19 era. Providing resources and materials, tackling topics that are relevant to condominium living, and communicating important information to our members is a priority. Examples include best practices around AGMs, Condominium Licensing and what we need to know, etc. are tangible topics that impact our industry.

CCI North Alberta is second to none in the area of advocacy. This year we surveyed condominiums about the insurance crisis in Alberta and compiled data to provide to the Alberta Government for example. We created a list of changes required in the Condominium Property Regulations to better our governance. This committee has accomplished so much on behalf of our members and continues their work into 2021. CCI North Alberta is universally recognized as the voice of condominium at the provincial level thanks to the immense efforts of our Government Advocacy Committee.

On the internal side, we are actively recruiting new members to our Board and Committees as we experience significant change. Many thanks to outgoing members, Rob Lafontaine and Maurice Perrault, who have recently tendered their resignations. Rob is moving out of the condominium world having served as the Board President of a Condominium Corporation for several years. In his short time on the Board, he has been very helpful on the human resource side of the organization, helping develop job descriptions, as well as committee descriptions and best practices.

Maurice Perrault has led the way on Owner Initiatives on CCI as well as an amazing volunteer at our events. You would often find him greeting and registering attendees and presenting at events. Both Rob and Maurice will be missed, but we thank them for their efforts!

Many thanks to our amazing Administrative and Communications Coordinator, Beverley Thornton. Beverley has transformed our marketing and communications in our office, including impressive work on our sponsorship. Under her leadership, 2020-2021 will be the most supported year yet from sponsors, which is an incredible accomplishment given the new COVID reality we live in.

Friends, all good things must come to an end. Our longtime Executive Director of CCI North Alberta, Alan Whyte, has moved on from our leadership team at the end of September. After five incredible years with CCI North Alberta, Alan was ready for semi-retired life where he will be drinking expensive wine and organic beer with his amazing wife Cathy, throwing rocks down the ice with his curling teams to limited success, running the trails of Edmonton by himself, and secretly eating copious amounts of chocolate in between all of these life events.

While our Executive, Board and staff are very sad to see Alan leave his position, we are happy for the next steps in his journey.

Alan was previously the Vice President of CCI North Alberta and a member of the Executive for our chapter. It was immediately apparent that he possessed the passion, care, and commitment that we required to revitalize our chapter. We were so privileged to have him agree to take on a formal role within our organization. Under his guidance, CCI North Alberta has grown exponentially in membership, in the quality of our educational events, in our communications through our website, magazine, and newsletters, and in our government advocacy efforts. Our Alberta Condominium Expo, directly under his leadership, has become the largest Western Canadian Condominium Expo in just a few short years.

Alan's impact in our organization is immeasurable. For example, he was the driving force behind the creation of the Condo 101 courses which he co-authored and often teaches. He has introduced the concepts of surveying our membership as a key practice to help improve our courses and services to meet the needs of the condominium community. Alan was a key support in helping the Board communicate its advocacy positions, whether it be legislative feedback or campaigns to illuminate areas of concern. He has represented CCI many times at the provincial level, including most recently the Condominium Management Licensing Implementation Committee for the Real Estate Council of Alberta.

We know that Alan has enriched the lives of so many of us in the condominium community and that he will be missed by many. We are grateful for the past five years with Alan at the helm.

Our Executive will be making an announcement soon on the selection of a new Executive Director. While Alan's shoes are very big to fill, we are lucky to have many talented individuals willing to join our leadership team.

It has been an honor serving you in my capacity as President for the past 8 years, and I look forward to continuing to work on your behalf over the coming year in whatever capacity the members support me in.

On behalf of the Executive and Board of CCI North Alberta, I am sending out my heartfelt best wishes for the health and safety of you and your families.

#### **Anand Sharma**

President, CCI North Alberta

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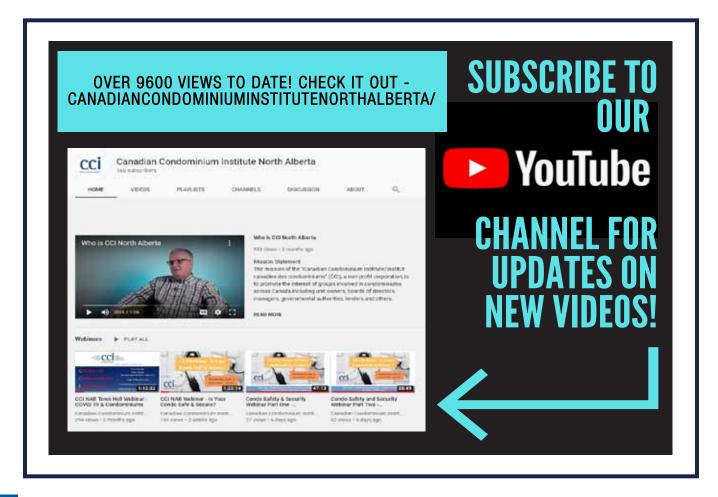
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## CCI EDUCATIONSTATION

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1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30					

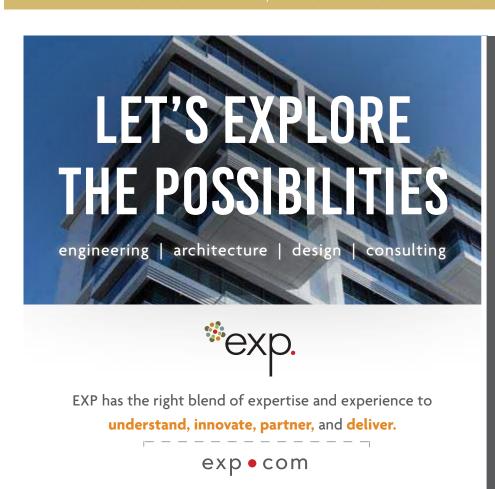
## WE'VE GONE DIGITAL

THANK YOU TO ALL OUR MEMBERS FOR YOUR PATIENCE AND PARTICIPATION AS WE 'WENT DIGITAL' WITH OUR EDUCATION OFFERINGS.

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## It has been a big year for the Canadian Condominium Institute - North Alberta Chapter.

Like everyone, we have been adjusting to the new reality of operating during a global pandemic. We held our first-ever virtual AGM and elected a full slate of directors to our board. We have been working hard to digitize our member resources and seminars. Our members, business partners, and sponsors have been incredibly patient and supportive as we make this transition, and we have been thrilled to see so many of you take part in webinars.

Even in the midst of adjusting to COVID-19, our chapter stayed focused on providing quality advocacy and services for our members, and we were thrilled to be recognized as the Lorne Young Chapter of the Year by CCI National. This annual award recognizes the chapter of the Canadian Condominium Institute providing the most benefit to its members. Our chapter has one this award 9 times since our founding, including in 3 of the last four years.

This award is a tremendous honour, and we could not have done it without the hard work and leadership of our board and Alan Whyte.

That brings me to another big change at CCI North Alberta. After 5 years at the helm of our chapter as Executive Director, Alan is retiring.

Which means I have big shoes to fill.

I took over from Alan as the new Executive Director of CCI North Alberta at the beginning of November. I have spent the last five years in government in a variety of senior roles including Director of Policy for the opposition caucus and Chief of Staff to the Minister of Education. Before government, I worked in the Edmonton non-profit community supporting board education and advocacy, and I'm looking forward to bringing those experiences to CCI North Alberta.

While 2020 has been eventful, 2021 shows no signs of slowing down.

The Alberta government is continuing its efforts to modernize the legislation and regulations respecting condominiums in Alberta. We have seen big changes to insurance, and we will soon see the government's plans for a new dispute resolution mechanism.

Our new Industry Council for residential property managers and condominium managers has been stood up under the banner of the Real Estate Council of Alberta. This is an important step towards implementing condo manager licensing.

We are in the final stages of consultation on the longtime coming condominium manager licensing requirements. Under the regulations, sector experts will be taking the lead on ongoing education and professional development for licensed condo managers. We believe that CCI North Alberta can play a key role in providing this service to our members. We are uniquely positioned to support condo manager development, as we connect owners, boards, managers, and business partners.

We will be hosting our first-ever virtual Alberta Condo Expo on April 23 and 24, on top of continuing our work on providing virtual programming throughout the year.

I am looking forward to the year ahead, and I hope you are too.





## CARRIE PLETT

Carrie first began working as a Condominium Manager in 2011, managing various types and sizes of Condominiums from bareland, phased bareland, conventional buildings, new developments, older conversions, and everything in between. After taking 14 months off from Condo Management to work with Condo Doc Review Ltd as a document analyst, Carrie decided to return to her passion of Condominium Management. On August 1, 2020, Carrie, along with a partner, launched Condo Management Solutions Inc.

Carrie is also part of the project team working with Service Alberta on the transition from RECA to third party providers for Education delivery relating to Real Estate, Property Management, and Condominium Management.

### What's the most important leadership lesson you've learned?

The most important leadership lesson that I have learned is to listen. I find that when I really listen to what my Boards, Owners and co-workers are saying, I can provide them with the correct guidance/answers. If I respond too quickly or without listening fully, I run the risk of not providing what they need. The art of listening is something that I work on every day.

## You are very involved in the work behind the scenes getting ready for condominium manager licensing. What do you see as the advantages of the upcoming licensing of condominium managers?

I believe that the upcoming licensing of condominium managers will ensure that those who are managing condominiums will have had their competency levels tested and validated. Currently there are no "industry standard competencies" for condominium management. Even those who are licensed through RECA as property managers, have not had any significant training for Condominiums as part of their licensing. Condominium management is significantly different from residential or commercial management and having our own licensing criteria and competencies will raise the standard throughout our industry.

### In your opinion what are the key ingredients for a successful condo board?

A successful condo board will have the following:

A desire to do what is in the best interest of the Corporation even if it means it is not in their personal best interest.

A desire to learn – whether it's learning about governance, building component maintenance, financial strategies, or

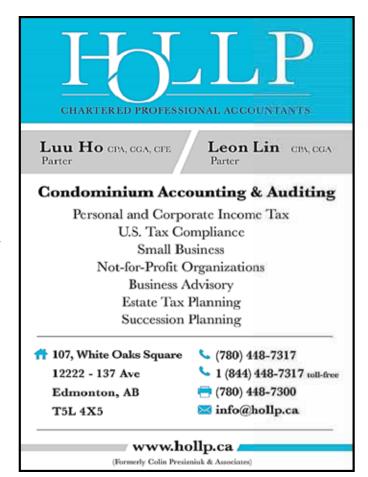
how to deal with people. A successful board will engage themselves in education/learning on an ongoing basis.

Patience – dealing with Owners, tenants, trades, condo managers does require some patience. When dealing with multiple owners, multiple board members, etc. situations will occur which would even test the patience of a saint.

Willingness of all Board members to participate – for a Board to truly be successful, each member of the Board needs to participate. That does not mean working 20 hours a week on board stuff. It means respond to emails, review materials in advance of meetings, ask questions and be involved as much as you possibly can. Boards struggle when 1 or 2 members carry the load for the rest.

### We heard that you are a golf tournament junkie. What are your favourite parts of a tournament?

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#### Dear Members,

Your Government Advocacy Committee has been very busy this year working on your behalf. Here are a few on the highlights:

Condominium Manager Licensing and Education: The Alberta Government has introduced and passed the Real Estate Amendment Act, Bill 20, on June 10, 2020. CCI North Alberta was consulted on aspects of the bill and supported its introduction. We endorsed the legislation as we supported the concept that education would be left to the industry, while the regulation and licensing would be the responsibility of the Real Estate Council. We recognized that condominium managers deserve the training they seek within a framework that allows for the professionalization of the industry. The other key aspect to this legislation was the creation of industry specific councils under RECA, which essentially allow condominium and property managers to determine the rules and by-laws that govern our industry. The composition of this council will be two public members appointed by the Alberta Government, and three elected members who are licensed under the new framework that they released in September. We are working closely with Service Alberta to ensure condominium managers are guaranteed representation on this council, as other types of management have been grouped with condominium management and could dilute our industry specific needs and representation. I, along with 2nd Vice President Sandi Danielson, have been very active on the working committee created by Service Alberta that is setting up the eligibility criteria of the candidates for the industry council election to be held in November 2020.

We will both also serve on the nominations committee for all industry councils. Newly appointed 1st Vice President Carrie Plett was selected to represent the management industry on the education delivery working group, while Chairperson Susan Milner was selected to serve on the working committee to train and educate the new industry council members when elected. All three working committees have been significant commitments since late summer, so we are very grateful to Carrie, Susan, and Sandi for their time and dedication. CCI North Alberta was successful in advocating for the delineation between education and licensing through our meetings and consultations over the past many years with Service Alberta and RECA. Thank you to the Government Advocacy Committee and our former Executive Director Alan Whyte for their collective efforts once again. The work our committee is doing as volunteers is incredible given that other organizations dedicate a great deal of financial resources and could be perceived as less effective.

The committee is protecting and representing our condominium community like never before so thank you!

The Real Estate Council of Alberta's Implementation Committee is continuing its work this fall and consultations are currently underway on the licensing of condominium managers by RECA. CCI North Alberta held two education sessions in September that comprehensively reviewed the proposal and framework of licensing in Alberta. Review of the Condominium Property Act and Regulations Members of our committee are working closely with the Alberta Government on reviewing the issues of chargebacks in condominiums, as well as voting. These two issues have been identified as areas that require Act changes in order to improve condominium living in Alberta.

The consultations are ongoing, and we continue to work closely with Service Alberta to bring forth legislative change in 2021. CCI North has also submitted an extensive list of condominium regulations that require changes to Service Alberta and the Hon. Minister Glubish for consideration. We have recently discussed these regulation changes with Service Alberta staff which will provide better clarity in areas such as insurance, legal collections, and reserve studies. This list includes potential unintended consequences that should be addressed as well as alterations that will provide better and more clear language. Insurance Crisis in Alberta: Over the past many months, CCI North Alberta has been alerted to the significant increase in insurance premiums for condominium corporations which include astronomical increases in deductibles. We have even heard from condominium corporations that were not able to obtain insurance and were, in fact, declined coverage often without explanation. This includes jurisdictions outside of Fort McMurray where the ability to get insurance coverage has been a challenge. Premium increases of 30-300% are seemingly the norm, not the exception. To fully understand the extent of this issue, CCI North Alberta had circulated a survey to condominium corporations to better understand how widespread and critical this issue is. Thank you to all who participated in the survey.

This survey supported the idea that we have a crisis in Alberta, and we need our Government to act now otherwise condominium living will be untenable. The survey results are now available in the Summer Issue of Insite to Condos (available on the CCI website) and have been provided to the Alberta Government and CCI National. We are discussing our next steps on how to address this issue and effect change. CCI North Alberta is considering engaging in a campaign to draw attention to this issue in the upcoming year.

Successful Advocacy on Use of Reserves: CCI North Alberta was successful in convincing the Alberta Government to allow Condominium Corporations to use funds out of the reserve in extreme circumstances such as COVID-19, or potentially a state of emergency. While the ability to use the reserve in these circumstances is narrow and specific, ensuring that condominium owners are not heavily special assessed in a time of crisis which is beyond their control was the motivation behind our push. We gathered support from other organizations and provided a joint submission to the Alberta Government which was ultimately successful. This proposal was initiated by our amazing condominium lawyer and long-time member of our committee, Victoria Archer.

Thank you, Victoria, for your efforts, we would not be nearly as effective without your guidance. In closing I wish to thank our amazing advocacy team who dedicate hundreds of hours of volunteer time to better our condominium industry. This includes attendance at numerous meetings, writing briefings and reports, analysing legislation, and teaching our community about important changes that are upcoming. The committee is comprised of Hugh Willis (Willis Law), Todd Shipley (Reynolds Mirth Richards and Farmer), Victoria Archer (Gledhill Larocque), Melissa Stappler (Willis Law), and Dawn Mitchell (HUB International).

Anand Sharma
Co-Chair – Government Advocacy Committee



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## Earlier this year we launched our first ever EarlyBird Renewal prize draw!

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For the prize draw, if a Condominium or Individual renewed their membership before June 30th, they were eligible to be entered into the draw for 1 of 2 \$500 gift cards. Business Partner and Professional members were entered into a draw for a free full page ad in the magazine.

Two condominiums won the prize draw: Grande Carlisle & Castle Heights. Both condo corps requested the prize in the form of a \$500 cheque so that they could treat themselves to a safe social gathering. Skyline QS were our Business Partner winners and their ad is on page 3.

Alan Whyte, previous Executive Director of CCI NAB, presented the cheques to the two representatives of the condominiums at the end of August. Congratulations to all of the winners!





#### Alan Whyte with Bill Marshall of Grande Carlisle



Alan Whyte with Rob Huisman of Castle Heights



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## OWNERS GUIDE TO CONDO LIVING

BY MAURICE PERRAULT

Welcome to "Owners Guide to Condo Living" created specifically for condominium owners as well as prospective owners.

If you have any topic suggestions please forward them to info@ccinorthalberta.com. We'd love to hear from you.

#### **CONDOMINIUM FINANCES 101**

#### Who or What Determines the Amount of Condo Fees?

Condo fees were established by the developer of the condominium complex when the condominium plan was registered with Land Titles. When this is completed the Corporation and units are created. The Corporation consists of all owners. Units are what a person owns, and this could have different meanings in different types of condominiums.

Besides forming a Corporation and defining Units, Unit Factors are assigned to all units. In Alberta all condominiums must have a total Unit Factor of 10,000. The developer decides how the 10,000 unit factors will be assigned. Some condominium's unit factors are assigned according to a unit's size, others may be assigned equally between all units.

Once a budget is set, initially by the developer and later on a yearly basis by the condominium board, condo fees can be assigned. Let us assume that we live in Park Place Condominiums and the budget has been set at \$300,500.00. That means that over the course of 12 months the corporation will collect that amount from all owners. Each owner's share of that amount will be based on how many unit factors are assigned to their unit. Let us also assume that your unit has 198-unit factors assigned to it. To calculate the condo fees, you divide the budget amount by 10,000, multiply the answer by the assigned unit factor and divide that answer by 12 for the monthly condo fees. So, \$300,500 divided by 10,000 equals 30.05, multiplied by 198 equals \$5,949.90, divided by 12 equals \$495.83. Your unit's condo fees are \$495.83 per month.

#### What is the Money Used For?

Continuing with the above example, the board has set the budget at \$300,500. How did they arrive at that figure? If we assume that this is not a new complex, they have looked at last year's budget figures and determined what line items need increasing, decreasing or eliminating. In an abbreviated version they would end up with something like the image to the right:

**REVENUES** 

**Condominium Fees** 

\$300,500

#### **EXPENSES**

- ADMINISTRATION/MANAGEMENT
   TOTAL \$115,000
- UTILITIES **TOTAL**

\$50,000

- MAINTENANCE & REPAIRTOTAL \$80,000
- RESERVE CONTRIBUTION **TOTAL \$55,500**

REVENUE MINUS EXPENSES EQUAL SURPLUS/DEFICIT - \$0

And just like that, this board has a Balanced Budget!

The first three categories are what makes up the Operating Account. The last category, Reserve Contribution goes into the Reserve Fund Account and, as we will see, can only be used for specific items.

#### What is an Operating Fund?

A corporation's Operating fund will capture the day to day and monthly expenses. Some of those expenses include the maintenance requirements for the common areas of a condominium property. They are unique to each one. Maintaining common areas to keep them operating efficiently and looking good requires a broad range of routine tasks and repairs. These operating activities can include garbage removal, sewer line maintenance, changing light bulbs, repairing elevators, cleaning common windows, repairing windows and doors, snow removal, grass cutting, tree maintenance and staining/painting.

Also included in your Operating fund are professional and legal fees. Professional fees would include the monthly cost for a Property Management company, your auditor fees, engineering and legal fees should they be required. Insurance premiums on the building will also be paid out of the Operating fund.

The Board will have to review the Operating fund yearly to determine what the overall budget should be and what condo fee increases should be implemented for the upcoming year. It is also important that the Board monitor those expenses throughout the year to ensure they are keeping as close to budget as possible. Expect the unexpected. Unexpected expenses can occur. Be mindful of having a healthy Operating fund to be able to manage those. The trick is to not collect too much but definitely don't collect too little!

Some Corporations find it beneficial to have a Contingency Fund or line item for those smaller unexpected expenses.

#### What is a Reserve Fund?

Simply stated it is a fund, that is held in a separate bank account, that must be established and maintained to cover the costs of major repairs to and replacement of the Corporation's real and personal property, common property and managed property. Generally speaking, it cannot be used to make capital improvements.

A Reserve Fund Study, Report and Plan must be done every 5 years. This determines how much money a condominium corporation should have in its reserve fund.

Reserve Fund Studies, and Reports is a very important subject for condo owners. As it deserves much more time and space we will talk about it in a future article.

#### What are Financial Reports?

A corporation's financial statements show how money was spent over the previous month. Financial statements usually include the following documents:

- Balance sheet: a statement of the corporation's assets and liabilities
- Income statement: a statement showing the money coming into and leaving the corporation
- Cash flow statement: a statement showing the flow of cash into and out of the corporation's accounts broken down by operating, investing, and financing activities

Ideally, the financial statements will show the corporation didn't spend more than it received. If a corporation regularly goes over budget, this could be cause for concern about the financial health of the corporation.

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## ATTENTION: CONDO BOARDS

## **Important**

## Insurance Changes Standard Insurable Unit Description (SIUD)

Effective January 1, 2020, Condominium Corporations must provide a standard insurable unit description (SIUD) to their insurance provider, all unit owners, and the Land Titles Office.

A 'standard insurable unit description' is a description of the standard fixtures and furnishings in residential units or in a class of residential units in a particular condominium plan. An SIUD does not include the personal possessions or upgrades made by owners above and beyond what is in the SIUD. The purpose of an SIUD is to provide clarity when determining responsibility of insurance coverage.



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#### What Do We Have To Do To Create An SIUD?

#### 3 Options:

- 1) Board resolution, which is subsequently ratified by ordinary resolution at an AGM
- 2) By ordinary resolution at an AGM
- 3) By special resolution at an AGM

Once the SIUD is approved by members, it must be registered with the Land Titles Office using the form provided by Land Titles.

If your developer has provided an SIUD, no further action is required.

#### ADDITIONAL DETAILS

**Deadline -** The requirement for an SIUD is effective January 1, 2020. Is it recommended that the corporations complete and file its SIUD before their insurance renewal deadline.

What should be in an SIUD? - The regulations provide some guidance (61.1 (3)), and it is a good idea to ask an expert.

Legislation-Section 61.1 (3) and 61.2 of the Condominium Property Regulations as of Jan 1, 2020 for further details.





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## CONDOMINIUM MANAGEMENT LICENSING IN ALBERTA

### CRAWLING TO THE START LINE

BY ALAN WHYTE

The licensing of condominium managers was introduced back in December 2014 as part of the Condominium Property Amendment Act (CPAA); however the road to completion has been MUCH longer than anticipated and still have a number of key components to be finalized.

When working with government legislation it is seldom a quick process, however there were a number of factors that slowed this process to a pace that even a turtle would be ashamed of (no offence intended to the well meaning turtle). Both the provinces of British Columbia and Ontario have implemented condominium (strata in B.C.) manager licensing already. B.C. started licensing through the Real Estate Council of BC in 2006, while Ontario actually introduced legislation after Alberta in 2015 but had licensing in place by the fall of 2017, setting up a self-funded non-profit corporation (CMRAO) to provide the oversight.

In Alberta, condominium legislation consists of the Condominium Property Act where changes must be approved by the provincial legislature as well as the subordinate Condominium Property Regulation which only requires approval by the ministry responsible -Service Alberta. When the CPAA was passed there was an inordinate amount of legislation that was deferred to the Regulation that had not been conceived at the time. To their credit, Service Alberta did involve numerous stakeholder meetings and public consultations seeking input to help shape the proposed legislation. Six different Ministers, three different political parties in power and numerous key staff changes in the past six years however have certainly stifled momentum.

The Real Estate Council of Alberta (RECA) was assigned the responsibility of overseeing the condominium manager licensing process, setting standards and regulating individuals who would be providing condominium management services. Following complaints about RECA's ability to govern itself effectively, Service Alberta ordered an independent review in early 2019 which produced a detailed and damming report of dysfunction and infighting. Subsequently the entire RECA Council was removed, an interim Administrator was appointed and a major restructuring of the governance and responsibilities of RECA is underway. Not a promising start to say the least, but better to address the issues prior to licensing than having to work around it in its previous state.

At present, the intent is to have licensing in place by fall 2021 however as each month goes by and a number of details are still to be finalized (more on that later), realism tends to turn to optimism at this point in time.

#### HISTORICAL BACKGROUND

**Sept 2013** – Service Alberta invites RECA to make a proposal to regulate condominium managers.

**Dec 2014** – Amendments to the Real Estate Act (REA) for condominium manager regulation receive Royal Assent pending implementation of the necessary REA regulations.

**May 2015** – Condominium Managers Implementation Advisory Committee (CMIAC) is struck with 12 appointees from various interested parties.

**Oct 2015** – RECA's first consultation paper was introduced to determine the regulatory model for condominium managers. Consultation included an online survey and town hall meetings throughout the province.

**March 2016** – CMIAC reviewed consultation feedback and approved recommendations to RECA Council to complete Phase 1.

CMIAC meetings were paused until Service Alberta finalized additional regulations as required by the Condominium Property Amendment Act.

**November 2019** – Service Alberta announces Stage 2 Condominium Property Act and Regulation changes to be implemented Jan 1, 2020

**July 2020** – CMIAC completes draft of proposed rules for condominium managers as well as details for online survey and virtual public consultations

**Nov 2020** – Deadline for Phase 2 consultation expired on Nov 15th.

#### WHAT WE KNOW SO FAR

#### What is RECA's scope of authority?

RECA will have the authority to regulate the activity of all licensed condominium managers. Managers will not have the option of remaining unlicensed and if they attempt to continue to manage properties once licensing is in place, RECA has the authority to revoke their ability to provide condominium management services. RECA will implement condominium management licenses for both the brokerage (i.e.- management company) and the managers and will be responsible for any disciplinary action due to a breach of the prescribed legislation. They will also provide additional information and clarification to both the consumer and the industry as necessary.

#### What is not in RECA'S scope of authority?

Self managed condominiums will not be regulated under RECA. Disputes between condominium boards and owners will not be under RECA's jurisdiction either, but will be dealt eventually by the Condominium Dispute Tribunal. Due to recent changes in the governance model for RECA, both pre-licensing and ongoing education for managers will be provided by various third parties (still to be determined) and RECA will be unable to provide any educational sessions as of November 2022.

#### **Understanding the Terminology**

One of the challenges for anyone who is not familiar with RECA's governing model is some of the common terminology that is currently being used within their framework and will be a part of the condominium management model. The key ones that define the licensing requirements are as follows:

- Condominium manager brokerage The company that is licensed with RECA to provide condominium management services to condominium corporations
- Condominium manager broker The person licensed with RECA who is responsible for the operation of the brokerage, supervising condominium manager associates and providing condominium management services to condominium corporations
- Condominium manager associate Persons licensed by RECA and employed by the brokerage to work under the supervision of the broker to provide condominium management services to condominium corporations

RECA will license and regulate all persons who provide "condominium management services" for compensation. The current definition listed in the Real Estate Amendment Act (therefore not yet enforceable) is as follows:

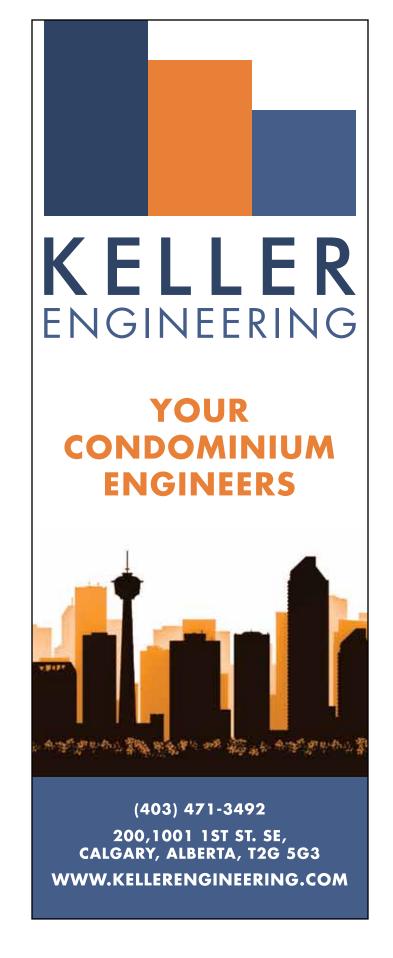
#### Interpretation

- 1(1) In the Act,
- (e.2) **"condominium management service"** means the exercising of a power or the performing of a duty of a condominium corporation on behalf of the condominium corporation, including, but not limited to,
- (i) collecting, holding or disbursing, or attempting to collect, hold or disburse, contributions levied by the condominium corporation or other amounts levied by or due to the corporation under the Condominium Property Act,
- (ii) enforcing the bylaws or rules of the corporation,
- (iii) negotiating or entering into contracts on behalf of the corporation, and
- (iv) supervising employees or contractors hired or engaged by the corporation, but does not include any activity excluded by the Condominium Property Act, this Act or the regulations under either Act;

Service Alberta is responsible for determining who would be exempt from licensing while providing any of the services. Possible exceptions would include appointed Administrators, accountants, legal counsel, etc.

#### **Licensing Process**

Although not all of the details have been finalized, we can look at RECA's current licensing model to determine what is ahead. Typical requirements such as a criminal record check, English language



proficiency, high school diploma or equivalent, etc. will be required. For the initial transition period to licensing, managers with at least 2 years of experience will be allowed to take a challenge exam (only once) in lieu of the pre-licensing education. If they are unsuccessful, they must complete the pre-licensing education and then pass the qualifying exam. The condominium brokerage license for the management company is a separate license from a real estate license and all managers must be employed or associated with a licensed condominium brokerage in Alberta. In other words, all condominium management companies wishing to continue practicing once licensing is in place must have a condominium manager brokerage license, a broker's license for the individual responsible for overseeing the managers and all managers must have their own condominium manager (associate) license.

#### **Additional Fees**

While exact amounts have yet to be determined there is no doubt that management companies will incur a number of additional fees as a cost of doing business with the licensing model. Some of these costs will no doubt be passed on to their clients to some degree depending on each company's current business model. To get a ballpark idea of costs, we reviewed RECA'S current fee structure for various real estate licences. All fees are charged annually unless noted.

Brokerage License \$450 plus \$300 one time application review for new licenses

Broker License \$475

Associate License \$475 for each manager

There will be additional fees to take the challenge exam (\$150 currently) for qualified managers plus both the pre-licensing and ongoing education courses where charges will be determined by the various third party providers. An additional cost that may not yet be in place by some companies is the mandated minimum of \$1million errors and omissions coverage.

#### STILL TO BE DETERMINED

There are a number of areas that remain to be completed prior to condominium management licensing being enforced. In a perfect world, the licensing would be in place to coincide with RECA's renewal deadline of September 30, 2021. But if there is anything that 2020 has taught us it is that we do not live in anything close to a perfect world. Here are some of the key outstanding aspects remaining.

#### **Industry Council Development**

As part of RECA's new governance model, four Industry Councils will be created, each responsible for their own industry regulation. Condominium Management and Residential Property Management will form one of the four councils which will consist of three members elected by the industry and 2 public members appointed by the Service Alberta Minister. The other three councils will involve residential real estate, commercial real estate and property managers, and mortgage brokers. One of the elected industry members from each of the Industry Councils will also sit on RECA's Board of Directors along with 3 public members appointed by the Minister. Once they have been selected, they will need to be onboarded by RECA before tackling the remaining items to finalize the licensing process. With such a small group overseeing this process it is imperative that the five members form a productive and knowledgeable Council that can move things through in a reasonable fashion. While the governance overhaul was much needed the reality of implementing a new structure and introducing

all new players including the Industry Council representatives, the Board of Directors as well as a new Executive Director at the same time will bring on its own inherent challenges.

#### **Education Providers**

As mentioned earlier, RECA will be transitioning out of offering education services by October 2022 to focus solely on the licensing and governing aspects of the industries that they oversee. In order for third party providers to take over this responsibility, whether it is pre-licensing or ongoing education, parameters must be set as to necessary educational components as well as the provider parameters to ensure a quality product is being delivered. The plan at this time appears to be market driven with no limit on the number of providers as long as the content and deliverables meet the standards that are created. While this opens up opportunity for a variety of organizations and companies to provide competing models, one would hope that pricing does not override the quality of instruction offered.

#### **Industry Sustainability**

In any major change within an industry there will be casualties along with the intended improvements. The licensing requirements may be the "straw that breaks the camel's back" for some long time industry professionals who for their own personal reasons decide to retire rather than go through the necessary hoops to be licensed. For some, their expertise is going to be sorely missed by both their company and the boards they serve. For others it may be a necessary culling of the herd for those that are no longer fully invested in the industry. Either way, companies will struggle to find suitable replacements especially in an industry where significant burnout occurs due to overloaded portfolios and above and beyond schedules outside the regular work week.

Hopefully one of the advantages of licensing will level the playing field between companies since new people interested in starting a career in the industry will have to work with an established brokerage for a minimum of two years before they can start out on their own. Up until now, anyone could call themselves a condominium manager without any education or practical experience and lowball management contracts to unsuspecting and/or uniformed boards to get started. Management fees are still undervalued creating the chicken and egg scenario with companies needing to charge more to reduce managers' workloads and boards reluctant to pay more without assurances that reasonable levels of service will follow.

But that is a whole other discussion for another day...





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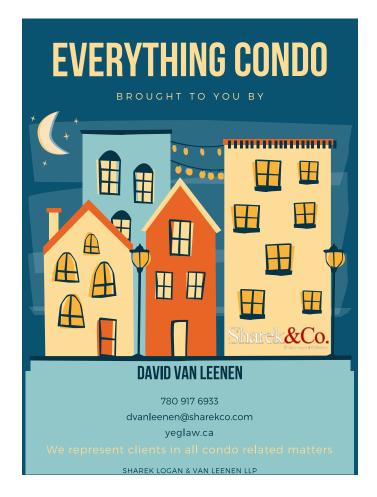
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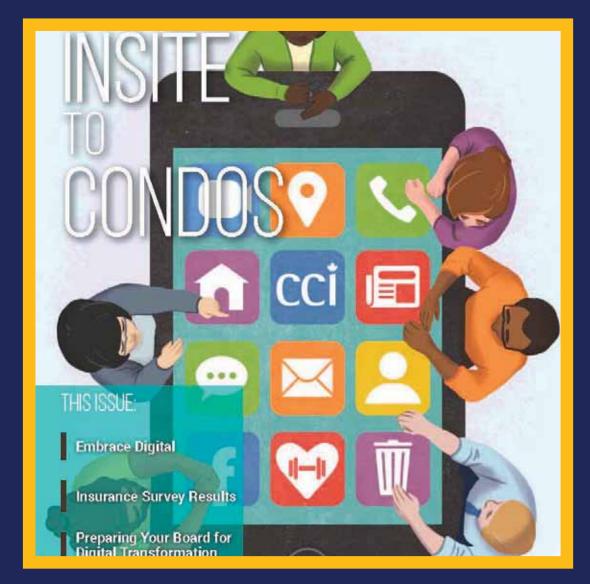
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## CONDOMINIUM BOARD MEMBER BINDER

BY DARCIE-LEE REA ACM, HALLMARK MANAGEMENT

Board Binders are provided by the Board to all Members. The expectation is that the binder be referenced and updated throughout the Board members' term.

At the end of the term or when that Members leaves the Board the binder should be returned and passed onto the new member. The new member will then have an up to date binder and reference materials to start the term with.

#### The Binder should have the following documents:

- Condo Plan Number
- Bylaws & Rules
- Current copy of Act and Regulation
- Code of Ethics -to be signed by all board members
- Minutes for the past 12 months including AGM's
- Financials monthly reports and annual Audit or Review Engagement if there is one
- Reserve Fund 5-year funding Plan & Report
- Current Certificate of Insurance Full policy should be available for all members to review as well.

- Emergency Contact Info for
  - o Board Members
  - o Management 24 hour contact number / email
  - o Key trades like Mechanical, Restoration, Elevator, Locksmith.
- Current list of Suppliers and Trades People
- Current contracts Management, Mechanical, Janitorial Snow, Lawn Care
- List of current services provided regularly but not necessarily through a contract, mat service, pest control.
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- Intercom information programming instructions
- Utility providers and account numbers.
- Lock Box locations and codes
- Maintenance schedule for major components.



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With the recent changes to the Condo Act as of January 1, 2020 our background and experience has allowed us to work with many Condo Corporations to provide a detailed and thorough Standard Insurable Unit Definition (SIUD). This includes working with more complex Corporations with multiple layouts and unit configurations.

Our office also routinely helps in providing Condo Corporations reports to assist on any issues that may result in a conflict situation with a unit owner or owners. Our expertise in these events has proven to diffuse the situation by offering our knowledge from an independent standpoint as opposed to allowing a tenuous situation to escalate. This is becoming more important for Corporations as the premiums and deductibles continue to increase due to the present market.

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- Board Meetings, effective, productive?
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# ASK THE PROFESSIONALS

#### **Accounting for Condo Corps**

One of the key responsibilities of condo boards is the stewardship of the financial health of the corporation. We asked professionals to weigh in with some insights and advice.

Responses have been edited for length.

**QUESTION #1** - If audits are not mandatory, why should condo corporations hire professionals to do them?

#### **Rutwind Brar LLP Chartered Professional Accountants**

There are a multitude of benefits to having an annual audit performed but the primary benefits relate to unit holder confidence and company development. Audited financial statements provide the condo unit holders assurance that not only the financials are accurate, but their funds are being used appropriately. The feedback from annual audit field work can also help the condo corporation improve its internal control and system processes.

#### Frank J Smith, CPA CA (retired)

Engaging a professional Accountant/Auditor will ensure an independent assessment is made of the accounts of your Condo Corp by someone experienced in assessing accounting records. Property Management companies involved in operations will have computer systems generating financials and controlling receivables. The Board should want the comfort of an audit opinion as to the reliability of those systems.

The Auditor will also review the appropriate filings that should be made with CRA and Service Alberta.

#### **Toni Kozak, Cass & Fraser Chartered Professional Accountants**

The primary purpose of an audit is to provide owners with assurance. Section 30(4)(a) of the Condominium Property Act requires the Corporation to provide "...financial statements, in accordance with Canadian generally accepted accounting principles" (GAAP). An audit, or a review engagement, will ensure that this requirement is met. Financial statements do not need to be audited to be in accordance with GAAP but a professional knows what those rules are.

**QUESTION # 2 -** In reviewing financial statements, what are common areas of concern that board members should focus on to better understand the numbers?

#### Frank J Smith, CPA CA (retired)

Common areas of concern will differ from condo corp to condo corp as a result of the size and age of the building. In general, each Director of the Condo Board should feel comfortable in reading and comprehending the content of the monthly Condo Corp. Balance Sheet and Statement of Operations or get a tutor to assist.

Ask questions of the person assigned to your Building by the Property Management Firm (PMF) and obtain timely responses to all questions. The operations person assigned to your Building by your PMF may not be well versed in financial reporting and they may need to request information from their accounting department.

Review the line by line Operating Costs and compare to the like costs for both the prior year and the current year's approved Operating Budget. On a monthly basis each Board member should receive a schedule of all Accounts Receivable.

#### Toni Kozak, Cass & Fraser Chartered Professional Accountants

The Board should ensure that they have sufficient cash flows in order to pay their current and future obligations. They should also ensure expenses are classified properly, and that they are in line with their expectations.

#### **Rutwind Brar LLP Chartered Professional Accountants**

The primary area of focus for board members should be the reserve fund and the associated reserve fund study. The study should be performed every couple of years in accordance with the by-laws and it is important that the reserve fund is adequately funded to accommodate the expected future maintenance.

**QUESTION #3 -** What steps can condo boards take to improve their long-term financial health?

#### **Rutwind Brar LLP Chartered Professional Accountants**

In addition to ensuring the reserve fund is on track to be sufficiently funded it is also important to ensure budgeting is done regularly and with care. It is not enough to simply roll forward the budget each year, the prior year budget needs to be evaluated against actual results so the budgeting process can be adjusted to produce accurate and effective budgets.

#### **Toni Kozak, Cass & Fraser Chartered Professional Accountants**

Probably the most important thing for the Board to do is to analyze the best choice of vendors to provide the services they require. They should do this for large expenditures, as well as regular and recurring expenses. Don't shy away from condo fee increases when required, or defer maintenance, as this can lead to greater problems down the road.

#### Frank J Smith, CPA CA (retired)

The annual Condo fees assessed have to be sufficient to cover all the anticipated operating expenses and the Reserve Fund commitments. Annual Condo fees must take into consideration the approved schedules to the current Reserve Fund Study.

Do not adjust or reduce necessary common services to minimize Condo fee assessments. If the required expenses are in excess of the Condo fee assessments INCREASE the Condo fees when you realize the shortfall NOT next year or whenever – do not defer the inevitable!

**QUESTION #4** - When it comes to annual budgeting, what other aspects should boards consider besides historical data?

#### **Toni Kozak, Cass & Fraser Chartered Professional Accountants**

We often see budgets based on the prior year's budget. No consideration was given to the actual costs of the prior year and possible trends in costs over a number of years. It is also important to look ahead to the repairs the Board anticipates during the upcoming year, and review changes to insurance and utility rates.

#### Frank J Smith, CPA CA (retired)

Prevailing market conditions relative to City politics which could give rise to Property Tax assessment increases. Insurance claims at your Building and other Condo buildings/projects which will set the tone for the Insurers in negotiating your Policy renewal and the directly related deductibles, exclusions and premiums. Your Reserve Fund Report. Discuss your budgeted Operating Costs with Board members at other condos – compare notes.

#### **Rutwind Brar LLP Chartered Professional Accountants**

Historical data is definitely a great starting point for the budget process but market trends and the reserve fund study should also be key factors in developing the budget. If the reserve fund is invested, it is important to stay up to date with market trends in case the investments need to be moved to a more conservative portfolio. The reserve fund study is based on future expected maintenance costs so it needs to be reflected in the budget regardless of historical results.

**QUESTION #5** - What key financial control procedures should be put into place to ensure proper oversight of the corporation's funds?

#### Frank J Smith, CPA CA (retired)

Key control features could be summarized as follows:

- All monies received should be deposited promptly and directly into the assigned Condo Corp. bank accounts
- All cheques, transfers and other withdrawals from any Condo Corp. bank account must be signed off by two (2) Officers of the Board of Directors of the Condo Corp.
- A monthly written reconciliation of each and every Condo Corp. bank account, with a copy of the Bank statement attached, should be provided to each member of the Board
- Your Property Managers/PMF should each and every month provide each Board member with a detailed financial statement. The financial statements should at a minimum be in comparative form detailing the current Operating Budget and the prior year's actuals.
- Annual Audit of the accounts by a Professional Accountant
- Annual review of Insurance coverages by your Insurance Broker with a written report provided to the Board.

#### **Rutwind Brar LLP Chartered Professional Accountants**

Segregation of duties, cash flow maintenance & timely information are some of the most important control procedures. The further duties are separate, especially around cash, the less chance any single employee can be responsible for errors or even fraud. Timely information is the essence of resource management and is a key part of cash flow maintenance. Making decisions based on the most up-to-date information is crucial for the corporation to make proactive decisions. The center piece for both cash flow maintenance and timely information is effective monthly accounting reports.

#### **Toni Kozak, Cass & Fraser Chartered Professional Accountants**

We can't stress enough, the importance of the Board reviewing monthly transactions. This is the easiest way to catch errors or omissions, and ensure that the Board must approve payments in excess of a certain amount.







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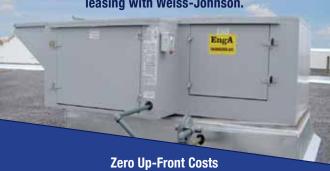
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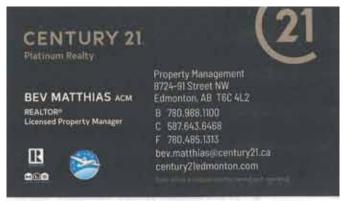


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BY ARUN SHOURIE, PARTNER AT SHOURIE BHATIA LLP

#### Updates to Disclosure Package Requirements – Enhanced Protection for Condo Purchasers

It has too long been the case that under the legislation provided by the Condominium Property Act (the "Act")<sup>1</sup> and the Condominium Property Regulations (the "Regulations")<sup>2</sup> prospective purchasers are at the mercy of the condo developer.

With the introduction of the newest amendments to the Act and Regulations, legislators are finally acknowledging the issues experienced by many purchasers since the creation of the legislation. These amendments provide more governance over the duties and responsibilities of a developer and enforce a system of enhanced policing on their activities. The result: an outline of the specific guidelines developers must follow and enforceable punishments if they are not abided by.

It is important to remember that there is a distinction between a document that is proposed and one that has been completed/registered. When a developer provides a purchaser a proposed budget, for example, they are outlining an calculated estimate of what the completed budget will look like. However, they are not providing the purchaser a guarantee that the completed budget will look the same as the one that was proposed. While this may appear risky, the Act outlines punishments, in certain cases, where the completed documents are vastly different than the proposals, as outlined below.<sup>3</sup>

Specifically, when selling units, developers must provide purchasers with a "Disclosure Package", which includes copies of various documents as required by the Act and Regulations, such as: a purchase agreement, condo plan (or proposed plan), bylaws (or proposed bylaws), management agreement (or proposed agreement), recreational agreement (or proposed agreement), lease if necessary, copy of the mortgage (or proposed mortgage) if necessary,

documents providing for any encumbrances registered against the property, copy of any home warranty insurance contract, budget (or proposed budget), statement of occupancy, and any other documents/information required by the Regulations.

One of the specific documents that must be provided to a purchaser is the developers' proposed budget for a specified 12-month period.<sup>5</sup> The specific information that must be provided in the proposed budget is: projected total revenue and total expenses of the corporation; specific projected expenses for maintenance and repairs, insurance, utilities, condo management services, other contracted service, reserve fund study, and other payments; projected payments into the reserve fund; and the name and credentials of the person who prepared the proposed budget, and the date it was prepared.<sup>6</sup> The proposed budget must also stipulate that a reasonable amount of the projected total revenue be deposited into the reserve fund.<sup>7</sup> While it is not mandatory, the proposed budget may include an estimate for expense inflation.<sup>8</sup>

The benefits of requiring an accurate proposed budget extends beyond a reasonable expectation of revenues and expenses. If the actual total expense incurred by the corporation in that 12-month period is more than 15% above the projected total expenses the developer must pay the corporation the amount exceeding that 15% cap. This change was implemented, both to incentivize the developer to provide a proposed budget that is as accurate as possible, and provide tangible punishment if that requirement is not followed.

The developer must also provide the purchaser a copy of the purchase agreement. The new requirements further provide the purchaser the ability to rescind the purchase agreement within 10 days of the date they received the full Disclosure Package and the date they sign the agreement, whichever is later. This provides the purchaser a sufficient opportunity to either review all of the documents, or gain the benefit of hindsight, if they wish to back out of the deal.

The purchaser also has the ability to bring a Court application in the event a material change occurs which affects any of the documentation provided to them in the Disclosure Package.<sup>12</sup>

If a material change occurs, the developer is obligated to provide the purchaser with a notice of those changes in writing.<sup>13</sup> If the Court finds that the purchaser is entitled to a remedy, then the Court can provide the purchaser monetary compensation, allow the purchaser to rescind the purchase agreement or provide any other type of compensation they find reasonable in the circumstances.<sup>14</sup>

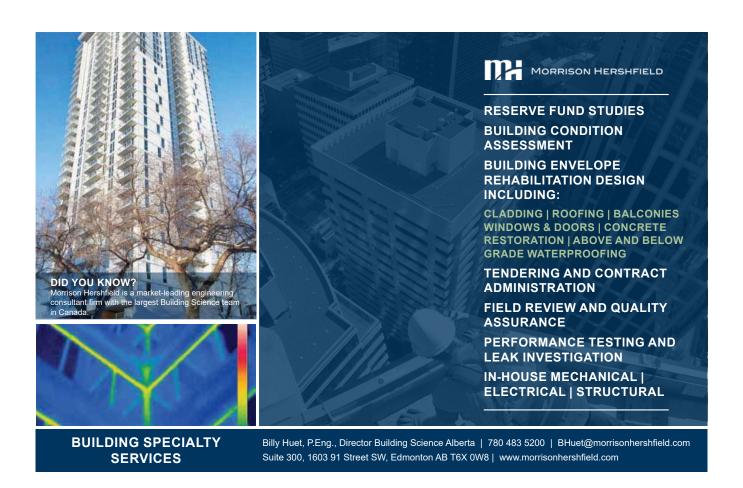
Given these enhanced duties and responsibilities now imposed on developers, buyers should feel increasingly more secure in purchasing a condo unit, knowing that developers can no longer provide insufficient documentation and face no repercussions for failing to execute their obligations correctly.

1 Condominium Property Act, RSA 2000, c C-22 [Act].
2 Condominium Property Regulations, AR 168/2000 [Regulations].
3 Act at ss. 20.04(1), 20.05(2).
4 Act at s. 12(1).
5 Regulations at s. 20.03(1).
6 Ibid.
7 Ibid s. 20.03 (3).
8 Ibid at s. 20.03(2).
9 Ibid at s. 20.04(1).
10 Act at s.12(1)(a).
11 Ibid at s. 13.1(1).
12 Ibid at 13.1(1).
13 Ibid.
14 Regulations at s. 20.05.



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			\$786.50		\$1,573.00
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<b>Capitall Exterior Solutions</b>	Craig Hatt	(780) 757-3930	craighatt@capitall.ca
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J and J Coatings - Parging Experts	Jeff MacLeod	(780) 709-7499	info@parge.ca
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Seasonal Impact Contracting Ltd.	Keegan Andreas	(780) 504-1317	estimating@simpact.ca
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